

NCA
VOG FOR IOP/FN
BACKGROUNDER NO. 5-5426
DICK JOYCE

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LOS NEGOTIATIONS: THE IMPERATIVES

ANNCR:

THE UNITED NATIONS-SPONSORED LAW OF THE CONFERENCE WILL MEET AGAIN NEXT MARCH IN GENEVA FOR WHAT MANY OBSERVERS FEEL WILL BE A MAKE-OR-BREAK SESSION IN SEARCH OF AN INTERNATIONAL AGREEMENT ON DISTRIBUTION OF THE RESOURCES OF THE OCEANS AND THE OCEAN FLOOR. DICK JOYCE HAS THIS BACKGROUND REPORT.

VOICE:

STILL AT ISSUE -- AFTER SEVEN YEARS OF NEGOTIATIONS -- ARE MORE THAN TWENTY-FIVE AGENDA ITEMS AND NEARLY ONE HUNDRED SECONDARY ISSUES. THE CRUCIAL ISSUE, HOWEVER, IS THE QUESTION OF WHO WILL BE PERMITTED TO MINE THE DEEP SEABED, WHICH IS KNOWN TO HAVE RICH DEPOSITS OF MANGANESE AND OTHER MINERALS, INCLUDING OIL. SEVERAL MARITIME STATES, LED BY THE COASTAL STATES OF LATIN AMERICA,, ALREADY HAVE STAKED THEIR CLAIM TO A TWO HUNDRED MILE OFF SHORE ZONE OF ECONOMIC EXPLOITATION -- A MOVE JOINED WITH SOME RELUCTANCE BY THE UNITED STATES AND THE COASTAL STATES OF WESTERN EUROPE.

IN 1970, THE UNITED STATES PROPOSED THE CREATION OF A COASTAL EXPLOITATION ZONE DEFINED BY A SO-CALLED TWO HUNDRED METER ISOBATH. THIS WOULD PERMIT EXCLUSIVE ECONOMIC RIGHTS FOR A MARITIME STATE OUT TO THE POINT WHERE THE SEA IS TWO HUNDRED METERS DEEP. ON THE AVERAGE, THIS WOULD BE ABOUT FIFTY MILES OFF SHORE. ALL OTHER WATERS WOULD COME UNDER THE JURISDICTION OF AN INTERNATIONAL BODY, WHICH WOULD CONTROL EXPLOITATION AND DISTRIBUTION OF THE RICHES OF THE OCEANS. THE U.S. PLAN WAS REJECTED BY A COMBINATION OF THIRD WORLD MARITIME STATES AND THE LANDLOCKED THIRD WORLD COUNTRIES IN FAVOR OF THE TWO HUNDRED

MILE ZONE. NOW, ACCORDING TO MEMBERS OF THE AMERICAN DELEGATION TO THE SEA LAW CONFERENCE, THE LANDLOCKED COUNTRIES HAVE BELATEDLY REALIZED THAT THE TWO HUNDRED MILE LIMIT FOR THE COASTAL STATES IS COUNTER TO THE BEST INTERESTS OF THE STATES WHICH HAVE NO COASTLINES. IN ANY CASE, THE ISSUE IS EXPECTED TO BE REOPENED AT THE 1978 CONFERENCE IN GENEVA.

DR. ANN HOLLICK OF JOHNS HOPKINS UNIVERSITY, A SPECIAL ADVISOR TO THE U.S. DELEGATION, SAYS THAT IT TOOK FIVE YEARS FOR THE LANDLOCKED DEVELOPING COUNTRIES TO REALIZE THAT THE TWO HUNDRED MILE ZONE PUT THEM AT A DISADVANTAGE. THE LANDLOCKED STATES THEN JOINED WITH THE COUNTRIES OF THE CARIBBEAN REGION AND THE SO-CALLED "GEOGRAPHICALLY DISADVANTAGED" STATES IN 1975 TO OPPOSE THE TWO HUNDRED MILE ZONE. THIS GROUP IS EXPECTED TO PRESENT A UNITED FRONT AT THE MARCH 1978 CONFERENCE.

THE TERM "GEOGRAPHICALLY DISADVANTAGED" APPLIES TO STATES WHICH HAVE RELATIVELY SHORT COASTLINES OR ISLAND STATES WHOSE TWO HUNDRED MILE ZONE WOULD OVERLAP THE ZONE OF A NEIGHBORING STATES.

DR. HOLLICK SEES THE 1978 MEETING AS A POTENTIALLY PIVOTAL SESSION FOR THE LAW OF THE SEA CONFERENCE. IF THERE IS MOVEMENT ON THE ISSUE OF DEEP SEABED MINING, SHE PREDICTS, A COMPREHENSIVE LAW OF THE SEA TREATY COULD BE FORTHCOMING WITHIN TWO YEARS, COVERING ALL ASPECTS OF HOW MAN WILL USE THE OCEANS, WHICH MAKE UP THREE FOURTHS OF THE GLOBE.

DR. HOLLICK POINTS OUT THAT THERE IS GENERAL AGREEMENT ALREADY ON SUCH ISSUES AS UNRESTRICTED PASSAGE OF STRAITS AND INTERNATIONAL WATERS, AND A TWELVE MILE LIMIT FOR TERRITORIAL WATERS.

BUT, ACCORDING TO DR. HOLLICK, FAILURE TO WORK OUT AN AGREEMENT ON THE DEEP SEABED MINING QUESTION COULD LEAD TO ABANDONMENT OF THE INTERNATIONAL NEGOTIATIONS, WITH EACH NATION GOING IT ALONE. THE UNITED STATES, SHE POINTS OUT, ALREADY HAS CONGRESSIONAL AUTHORIZATION TO BEGIN MINING THE DEEP SEABED. AN AMERICAN DECISION TO BEGIN DEEP SEABED MINING WITHIN ITS TWO HUNDRED MILE ZONE WOULD TRIGGER SIMILAR MOVES BY OTHER MAJOR MARITIME POWERS, LEAVING THE QUESTION OF SHARING THE OCEAN'S RESOURCES UP TO THE INDIVIDUAL STATES.

JS/PY